

United States v. Don Eugene Siegelman  
and Richard M. Scrushy  
2:05cr119-MEF  
**EXHIBIT 1**

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## Foreman describes deadlock

By Bob Lowry  
Montgomery Advertiser

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AUBURN — [REDACTED] said he had no trouble linking the evidence that former Gov. Don Siegelman and ex-HealthSouth CEO Richard Scrushy traded money for a seat on a powerful state board.

When some of his fellow jurors doubted the prosecution's contention that Siegelman solicited a \$500,000 donation from Scrushy for the board seat [REDACTED] produced his notebook, showing 23 red Es he had marked during the six-week trial.

Those Es represented what he considered evidence that clearly pointed to the men's guilt on corruption charges.

"I didn't have any trouble connecting the dots," said [REDACTED]

In an exclusive two-hour interview at his home Friday, [REDACTED] displayed a range of emotions in recounting the deliberations that led the jury to find Siegelman guilty on seven of 32 counts — bribery, conspiracy, obstruction of justice and four counts of mail fraud — and Scrushy guilty on all six bribery and mail fraud charges against him.

Two other defendants, former Siegelman chief of staff Paul Hamrick and former state transportation director Mack Roberts, were acquitted of all charges.

When the jury had heard all the testimony and was sent to deliberate, [REDACTED] said he had not even taken his seat before the rest of the jury nominated him to be foreman.

"I think I said, 'We ought to take a vote on this,' (and) someone said, 'We

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just did.' "

To prepare for the job, [REDACTED] went on the Internet.

"I didn't look up anything about the case, but I Googled to see exactly what a foreman was supposed to do, what role I was supposed to play. A foreman is to guide the process, not take sides, but make sure everybody around the table has a chance to be heard."

[REDACTED] said he and his fellow jurors began each day of deliberations by holding hands and saying a prayer.

Despite speculation from outside the jury room, [REDACTED] said there was no racial rancor or anger of any sort among the seven men and five women. The racial makeup was seven blacks and five whites.

"We were all really good friends. There was a bond between us," he said. "It never got personal. I think we were very fortunate that we had a very congenial group of people who respected each other and listened to each other. But we were all independent-minded about this.

"We had people who looked at the evidence and maybe interpreted the evidence in different ways," he said. "People interpret things in different ways, and we had some of that. That's only natural. It's like watching a football game together."

[REDACTED] said the jury twice reported to U.S. District Judge Mark Fuller that it was deadlocked because there was no unanimity after jurors had gone through the indictments.

Each time, Fuller sent them back to continue deliberating.

[REDACTED] said the jury had a difficult time reaching a verdict because of the number of indictments, the number of people charged and the "complex issues."

"We were just swimming in facts and figures," he said. "It was just a lot to go through. I think a sense of being overwhelmed with material was a big part of it. I wasn't frustrated. I was just worried that we do our job, whatever our job was."

Last Wednesday, Fuller sent a note to the jurors asking about their progress. It was then that [REDACTED] sent a note saying some jurors had

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become "lackadaisical" and some were no longer deliberating.

██████████ would not elaborate on his note but said the jury had just taken a second run through the indictments and still were stalled.

"We had been in this thing 38 days. We were in this room, all together. We had been looking at each other for a long time," he said. "We were not allowed to run out to the mall for lunch .... We were kind of confined, and it was sort of working on us.

"We just had to pull ourselves together. We really wanted to pull everybody to the table and get everything done."

██████████ said he didn't believe the jurors had given up at that point, but he added: "I think some may have felt there wasn't a full ongoing discussion of evidence at the table as we all would have liked.

"If you had one person on one side of a particular issue, they wanted someone to show them the other side."

The judge responded Thursday with a five-page letter reminding jurors about their duty, the concept of reasonable doubt, the meaning of a deadlocked jury and the amount of resources that had been expended in the case.

"It also said the jurors had heard all the evidence and were the best-qualified people to render a judgment," ██████████ said. "It also said the jury should consider electing a new foreman if it believed that would help the process.

"I didn't feel in any way I was a hindrance to anything. When we got back into the room, I said, 'If any of you think it would benefit us to have a different foreman, I have no problem with that.'

"Two or three said, 'No, you're doing a good job.' Someone suggested taking a vote. I didn't vote. The other 11 hands went up."

During a meeting with Fuller on Wednesday, ██████████ said the judge reminded the jury he had a lifetime appointment "but I do not expect this to be a lifetime appointment for you."

"After walking back in (the jury room), several jurors said, 'We can do this. We need to get them a verdict or a partial verdict.' There was a renewed commitment on the part of the jury as a whole to try again. Let's see what we can do. Let's see if we can come to some ground where we are all in agreement. So, we gave it that effort."

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██████████ said all of the jurors had a very good recollection of the testimony and never strayed from the notebook of instructions given by the judge.

"As the rest of day progressed, that proceeded on through Wednesday. And Thursday we picked it up, and we reached our verdict with 12 votes just before lunch."

██████████ said he was "unnerved" after the verdicts were reached, and he filled out the verdict forms. They were double-checked by another juror.

Unfortunately, the court clerk read three indictments against Siegelman as guilty when they were marked as not guilty. ██████████ was forced to ask Fuller to instruct the clerk to re-read the verdicts.

After the jury was dismissed Thursday afternoon ██████████ said the jury didn't really feel much relief.

"We were still so numb from the whole thing that the conclusion hadn't sunk in yet," he said. "This was truly a nerve-wracking experience."

Most of the jurors went to dinner together after the verdict Thursday night in Montgomery.

"We'd heard all of these witnesses talk about Sinclair's and Bud's, so we thought we'd go," he said. "This was where it (some of the alleged crimes) all happened, but we were just tourists."

Now that his two months of media attention have ended, ██████████ is looking forward to a veterinary convention later this month in Hawaii.

For this weekend, though, a trip to Florida with his wife and teenage daughter will do.